

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:17-CV-129

Respondent.

In his objections, petitioner asserts his state charges were dismissed on March 20, 2013, and that thereafter his incarceration was solely due to the federal detainer that was lodged against

him. He states this entitles him to receive credit towards his federal sentence for his subsequent incarceration.

The record reflects that petitioner's state charges were dismissed on March 26, 2013. However, on February 4, 2013, state officials issued a parole violator warrant for petitioner, which resulted in his arrest on February 9, 2013. Petitioner's continued incarceration after the dismissal of his state charges was therefore not solely due to his federal detainer. As he received credit towards his state sentence for the time he spent incarcerated prior to his transfer to state custody after his federal sentencing, he may not also receive credit for this period of time towards his federal sentence. *See* 18 U.S.C. § 3585.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered denying the petition.

SIGNED at Beaumont, Texas, this 27th day of February, 2018.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE